

FILED
CLERK'S OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 FEB -2 P 12:07

PRADA S.A.

Plaintiff,

v.

BIRDSONG, LLC.,
AND NATHAN ROSENBERG, MAGISTRATE JUDGE
Defendants.

Case No.:

RECEIPT # 61773
AMOUNT \$150
SUMMONS ISSUED 405
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. ROW
DATE 2/2/05

COMPLAINT

Plaintiff, Prada S.A. ("Prada" or "Plaintiff"), complaining of defendants, BirdSong, LLC, and Nathan Rosenberg, (collectively referred to as "Defendants"), alleges as follows:

STATEMENT OF THE CASE

1. This is an action for injunctive relief and damages under the Lanham Act and common law unfair and deceptive business practices based on Defendants' sale of counterfeit Prada products.

JURISDICTION AND VENUE

2. This claim arises under the Trademark Act of 1946, 15 U.S.C. § 1051, *et seq.*, particularly under 15 U.S.C. § 1114(1). This Court has subject matter jurisdiction over the claims in this action which relate to trademark counterfeiting and infringement, dilution and false designations of origin and false descriptions pursuant to the provisions of 28 U.S.C. §§1331, 1338 and 15 U.S.C. § 1121.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1392(a).

4. This Court has personal jurisdiction over the Defendants under the provisions of Mass. Gen. L. ch. 223A, § 3, in that Defendants are transacting business within the

Commonwealth and are contracting to supply goods, services or things in this Commonwealth, and have caused tortious injury in this Commonwealth by acts from which Defendants derive substantial revenue paid to Defendants from goods used in this Commonwealth. Defendants have knowingly supplied their counterfeit goods to www.ashford.com ('Ashford') a nationally known internet business, which Defendants knew would be distributed throughout the United States, including within the Commonwealth of Massachusetts.

THE PARTIES

5. Prada S.A. (formerly known as Prefel S.A.), is a corporation organized and existing under and by virtue of the laws of Luxembourg with its principal place of business at 23 Rue Aldringen, Luxembourg, and is the registered owner of the Prada trademarks on leather goods, clothing, jewelry, accessories and related items within the United States.

6. Upon information and belief, the Defendant BirdSong, LLC, is a corporation duly organized and existing under the laws of the State of Nevada, with a usual place of business at 80 Mott Avenue, Suite Number 4, Inwood, New York, 11096. BirdSong, LLC is a known wholesaler of counterfeit goods, and has supplied such goods to Ashford, a nationally known internet business, which has distributed Defendant's goods throughout the United States, including within the Commonwealth of Massachusetts.

7. Upon information and belief, Defendant Nathan Rosenberg is an individual who is listed as the sole executive of BirdSong, LLC. Nathan Rosenberg has a usual place of business at BirdSong, LLC's principal office, which is 80 Mott Avenue, Suite 4, Inwood, New York 11096.

8. Plaintiff is informed and believes and thereupon alleges that at all times relevant hereto Defendants have sold and distributed merchandise wrongfully bearing counterfeits of Plaintiff's trademarks, knowing that such merchandise would be distributed throughout the United States, including within the Commonwealth of Massachusetts. Defendants are known and admitted suppliers of a prominent internet business, Ashford, which has sold and distributed

counterfeit goods supplied by the Defendants. Ashford was advertising, distributing, offering for sale, and selling numerous items of merchandise wrongfully bearing counterfeits of Plaintiff's trademarks to persons located within this judicial district and elsewhere. Upon information and belief, Defendants continue to supply counterfeit Prada goods to unknown distributors and retailers.

PLAINTIFF'S TRADEMARKS

9. Prada S.A. is the owner of numerous trademarks consisting in whole or in part of the name Prada registered on the Principal Register in the United States Patent and Trademark Office under, *inter alia*, Registration Numbers 1,264,243, 1,400,409, 1,869,578, 1,873,854, and 2,162,795 (hereinafter collectively referred to as the "Prada Trademarks"), all of which have achieved incontestable status. True copies of the certificates of registration for these marks are attached hereto as Exhibit A, and made a part hereof.

10. Commencing at least as early as 1984, Prada merchandise has been widely advertised, offered for sale and sold throughout the United States bearing one or more of the Prada Trademarks.

11. Through nearly two decades of exclusive and extensive use and advertising, as well as registration with the United States Patent and Trademark Office, the Prada Trademarks have acquired enormous value and recognition as distinctive and famous marks. The Prada Trademarks are well known to the consuming public and trade as identifying and distinguishing Prada S.A. exclusively and uniquely as the source of the high quality products to which the marks are applied.

12. The Prada Trademarks are world-renowned and signify to customers the identity and quality of the product. The Prada Trademarks are used extensively in advertising and contribute to Prada's overall success in the marketplace.

13. The Prada Trademarks are in full force and effect. The Prada Trademarks and the goodwill of Plaintiff's businesses in connection with which the Prada Trademarks are used have

never been abandoned. Plaintiff intends to continue to preserve and maintain its rights with respect to the Prada Trademarks.

14. Plaintiff's services and products utilizing and/or bearing one or more of the Prada Trademarks, by reason of their style, distinctive designs and quality have come to be known by the purchasing public throughout the United States as being of the highest quality. As a result thereof, the Prada Trademarks and the goodwill associated therewith are of inestimable value to Plaintiff.

15. Based on the extensive sales of Plaintiff's products and their wide popularity, the Prada Trademarks have developed a secondary meaning and significance in the minds of the purchasing public, and the products utilizing and/or bearing such marks and names are immediately identified by the purchasing public as being those of the Plaintiff.

16. The Prada Trademarks are vital to Plaintiff and Plaintiff will suffer irreparable harm if any third parties, including Defendants herein, are allowed to continue engaging in services and selling infringing goods utilizing and/or bearing identical or substantially similar trademarks.

DEFENDANTS' INFRINGING ACTIVITIES

17. Defendants have infringed and threaten to further infringe Plaintiff's Prada Trademarks by distributing, selling and/or offering for sale unauthorized merchandise, including but not limited to handbags, backpacks and wallets. For example, the Defendants' purported Prada Tessuto Sport handbag shown in Exhibit B has been examined and has proven to be counterfeit. Exhibit B is one of numerous counterfeit Prada products sold by Defendants to www.ashford.com.

18. Long after Plaintiff's adoption and use of its Prada Trademarks on handbags, luggage, accessories and other related products, and long after Plaintiff's federal registration of its trademarks, Defendants commenced the distribution, offer for sale, and/or sale of handbags and other merchandise bearing counterfeits and infringements of the Prada Trademarks, as those trademarks appear on Plaintiff's products.

19. Defendants are distributing, offering for sale, and selling their unauthorized products on a wholesale basis to sellers who sell these products throughout the United States, including persons located within the Commonwealth of Massachusetts. Copies of the pertinent pages from www.ashford.com, to which Defendants supplied counterfeit Prada merchandise, are attached hereto as Exhibit C. Due to the nationwide reach of www.ashford.com, Defendants have obtained revenue from the sale of counterfeit Prada products by www.ashford.com to parties in the Commonwealth of Massachusetts and elsewhere.

20. Upon information and belief, the activities of Defendants complained of herein constitute willful and intentional infringement of the Prada Trademarks, are in total disregard of the Plaintiff's rights, and were commenced and have continued in spite of Defendants' knowledge that the use of any Prada Trademarks, or a copy or colorable imitation thereof, was and is in direct contravention of Plaintiff's rights.

21. The Defendants' unauthorized use of Prada Trademarks has been without Plaintiff's consent, is likely to cause confusion and mistake in the minds of the purchasing public and, in particular, tends to and does falsely create the impression that the goods sold by Defendants are authorized, sponsored, or approved by Plaintiff when, in fact, they are not.

FIRST CLAIM FOR RELIEF
TRADEMARK COUNTERFEITING
15 U.S.C. § 1114

22. Plaintiff incorporates all prior allegations as if set forth fully herein.

23. Defendants have used spurious designations that are identical with, or substantially indistinguishable from, the Prada Trademarks on goods covered by registrations for these trademarks.

24. Defendants have intentionally and willfully used these spurious designations knowing they are counterfeit in connection with the sale, offering for sale and distribution of goods for their own personal financial gain, and such intentional and willful conduct by the Defendants makes this an exceptional case.

25. Defendants' use of the Prada Trademarks to offer for sale, sell and distribute Defendants' counterfeit products was and is without the consent of Plaintiff.

26. Defendants' unauthorized use of Plaintiff's Prada Trademarks on and in connection with the sale of counterfeit goods constitutes Defendants' use of Plaintiff's registered Prada Trademarks in commerce.

27. Defendants' unauthorized use of Plaintiff's Prada Trademarks, as set forth above, is likely to:

- (a) cause confusion, mistake and deception;
- (b) cause the public to believe that Defendants' counterfeit products are authorized, sponsored or approved by Plaintiff or that Defendants are affiliated, connected or associated with or in some way related to Plaintiff;
- (c) result in Defendants unfairly benefiting from Plaintiff's goodwill and reputation, to the substantial and irreparable injury of the public, Plaintiff and Plaintiff's Prada Trademarks and the substantial goodwill represented thereby.

28. Defendants' acts as aforesaid constitute trademark counterfeiting in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

29. Plaintiff has no adequate remedy at law and has suffered and continues to suffer irreparable harm and damage as a result of Defendants' acts as aforesaid in an amount not thus far determined.

30. Defendants' wrongful acts of counterfeiting will continue unless enjoined by this Court.

SECOND CLAIM FOR RELIEF
Trademark Infringement
15 U.S.C. § 1114

31. Plaintiff incorporates all prior allegations as if set forth fully herein.

32. Plaintiff's registered Prada Trademarks are fanciful and arbitrary and are associated in the mind of the public with Plaintiff.

33. Based on Plaintiff's extensive advertising, sales, and the wide popularity of Plaintiff's products, the Prada Trademarks have acquired secondary meaning so that any product and advertisement bearing such trademarks is immediately associated by purchasers and the public as being a product of and affiliated with Plaintiff.

34. Defendants use the Prada Trademarks in connection with Defendants' sale and distribution of their counterfeit goods.

35. Defendants' activities as set forth herein constitute Defendants' use in commerce of the Prada Trademarks.

36. Defendants have used Plaintiff's registered Prada Trademarks without Plaintiff's consent or authorization. Defendants' use, including the sale and distribution of infringing products in interstate commerce, is likely to cause confusion and mistake in the minds of the public, leading the public to believe that Defendants' products emanate or originate from Plaintiff, or that Plaintiff has approved, sponsored or otherwise associated itself with Defendants, which is untrue.

37. Defendants have intentionally used the Prada Trademarks knowing they are the exclusive property of Plaintiff in connection with the offering for sale, sale and distribution of counterfeit goods.

38. Defendants' conduct is intended to exploit the goodwill and reputation associated with Plaintiff's registered Prada Trademarks.

39. Plaintiff has no control over the quality of Defendants' counterfeit merchandise. Because of the very real likelihood of confusion as to the source of Defendants' products, Plaintiff's reputation and valuable goodwill in its trademarks have been damaged by Defendants' unscrupulous tactics.

40. Defendants' activities as aforesaid create the false and misleading impression that Defendants are sanctioned, assigned or authorized by Plaintiff to use Plaintiff's Prada Trademarks to advertise, manufacture, distribute, offer for sale or sell counterfeit products bearing the Prada Trademarks, when Defendants are not so authorized.

41. Defendants engage in the aforementioned activity with the intent to confuse and deceive consumers into believing that Defendants and the goods they sell are in some way sponsored by, affiliated or associated with Plaintiff when, in truth, they are not.

42. Defendants' unauthorized use of the Prada Trademarks as set forth above has resulted in Defendants unfairly benefiting from Plaintiff's advertising and promotion, and profiting from Plaintiff's reputation and its registered Prada Trademarks, to the substantial and irreparable injury of the public, Plaintiff, the Prada Trademarks and the substantial goodwill represented thereby.

43. Defendants' aforesaid acts constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

44. Defendants' acts have caused, and will continue to cause, great and irreparable injury to Plaintiff, and, unless such acts are restrained by this Court, they will be continued, thereby causing Plaintiff to continue to suffer great and irreparable injury. Plaintiff has no adequate remedy at law.

45. Plaintiff is informed and believes and therefore alleges that Defendants' infringement is both intentional and willful.

46. Plaintiff has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount thus far not determined.

THIRD CLAIM FOR RELIEF

False Designations of Origin, False Descriptions and Representations

15 U.S.C. § 1125(a)

47. Plaintiff incorporates all prior allegations as if set forth fully herein.

48. Defendants have, in connection with their goods, used in commerce, and continue to use in commerce Plaintiff's Prada Trademarks.

49. Defendants have affixed, applied and used in connection with their sale of goods, false designations of origin and false and misleading descriptions and representations, including

the Prada Trademarks, which tend falsely to describe the origin, sponsorship, association or approval by Plaintiff of the goods sold by the Defendants.

50. Defendants use one or more of the Prada Trademarks with full knowledge of the falsity of such designations of origin, descriptions and representations, all to the detriment of Plaintiff.

51. Defendants' use of the Prada Trademarks on the counterfeit goods constitutes false descriptions and representations tending to falsely describe or represent Defendants and Defendants' products as being authorized, sponsored, affiliated or associated with Plaintiff.

52. Defendants use one or more of the Prada Trademarks on counterfeit goods with the express intent to cause confusion and mistake, to deceive and mislead the purchasing public, to trade upon the high quality reputation of Plaintiff and to improperly appropriate to themselves the valuable trademark rights of Plaintiff.

53. Defendants' aforesaid acts constitute the use in commerce of false designations of origin and false and/or misleading descriptions or representations, tending to falsely or misleadingly describe and/or represent Defendants' products as those of Plaintiff in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

54. Defendants' wrongful acts will continue unless enjoined by this Court.

55. Plaintiff has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of the Defendants in an amount thus far not determined.

FOURTH CLAIM FOR RELIEF
Federal Trademark Dilution
15 U.S.C. §1125 (c)

56. Plaintiff incorporates all prior allegations as if set forth fully herein.

57. Plaintiff is the exclusive owner of the trademark rights herein.

58. Defendants' use of the Prada Trademarks on the counterfeit goods they sell constitutes Defendants' commercial use in commerce of the Prada Trademarks.

59. The Prada Trademarks have been used for years and are so globally recognized and associated with Plaintiff that they are entitled to be recognized as famous and distinctive under 15 U.S.C. § 1125(c).

60. Plaintiff's Prada Trademarks have come to have a secondary meaning indicative of origin, relationship, sponsorship and/or association with the Plaintiff and its distinctive reputation for high quality. The purchasing public is likely to attribute Defendants' use of the Prada Trademarks to Plaintiff as a source of origin, authorization and/or sponsorship for the products Defendants sell and further, to purchase Defendants' products in the erroneous belief that Defendants are associated with, sponsored by or affiliated with Plaintiff, when Defendants are not.

61. Plaintiff has not authorized or licensed the use of the Prada Trademarks to Defendants.

62. Defendants' unauthorized use of the Prada Trademarks in their marketing, sale and distribution of counterfeit products is diluting the distinctive quality of the Prada Trademarks and the goodwill associated with them in violation of Section 43(c) of the Lanham Act, 15 U.S.C § 1125(c).

63. Such conduct has injured Plaintiff and said injury will continue unless the Court enjoins Defendants from committing further wrongful acts.

64. Upon information and belief, Defendants intentionally and willfully utilize Plaintiff's Prada Trademarks and trade on Plaintiff's reputation and goodwill.

65. If such use on the part of the Defendants continues, Plaintiff will suffer irreparable harm of a continuing nature for which there is no adequate remedy at law.

66. Plaintiff has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount thus far not determined.

FIFTH CLAIM FOR RELIEF
Unfair And Deceptive Business Practices
Massachusetts Chapter 93A, Section 11

67. Plaintiff incorporates all prior allegations as if set forth fully herein.

68. Defendants' acts set forth above constitute unfair and deceptive business practices in violation of Gen. L. ch. 93A, §2 in that the actions are likely to cause confusion in the minds of the consuming public, will destroy the Plaintiff's goodwill, and will unjustly enrich the defendants at the expense of and to the detriment of the Plaintiff.

69. Defendants' acts are knowing and willful violations of Gen. L. ch. 93A, §§ 2 and 11.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Prada, S.A., demands judgment against the Defendants as follows:

1. That a preliminary and permanent injunction be issued enjoining and restraining Defendants and their officers, agents, servants, employees and attorneys and all those in active concert or participation with them, from:

- A. Using any reproduction, counterfeit, copy or colorable imitation of the Prada Trademarks to identify any goods or the rendering of any services not authorized by Plaintiff;
- B. Engaging in any course of conduct likely to cause confusion, deception or mistake, or to injure Plaintiff's business reputation or dilute the distinctive quality of Plaintiff's name and Plaintiff's Prada Trademarks;
- C. Using a false description or representation including words or other symbols tending to falsely describe or represent Defendants' unauthorized goods as being those of Plaintiff or sponsored by or associated with Plaintiff and from offering such goods in commerce;

- D. Further infringing Plaintiff's Prada Trademarks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, displaying or otherwise disposing of any products not authorized by Plaintiff bearing any simulation, reproduction, counterfeit, copy or colorable imitation of Plaintiff's Prada Trademarks;
- E. Using any simulation, reproduction, counterfeit, copy or colorable imitation of Plaintiff's Prada Trademarks in connection with the rental, promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Plaintiff, or to any goods sold, manufactured, sponsored, approved by or connected with Plaintiff;
- F. Making any statement or representation whatsoever, using any false designation of origin or false description or performing any act which can or is likely to lead the trade, public or individual members thereof to believe that any products manufactured, distributed, sold or marketed by Defendants are in any manner associated or connected with Plaintiff, or sold, manufactured, licensed, sponsored, approved or authorized by Plaintiff;
- G. Causing an infringement of any of Plaintiff's Prada Trademarks or of Plaintiff's rights therein, or causing any dilution of Plaintiff's name, reputation or goodwill;
- H. Secreting, destroying, altering, removing or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising,

promoting, renting or displaying of all unauthorized products which infringe the Prada Trademarks; and

- I. Effecting assignments or transfers, forming new entities, associations or websites, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (A) through (H), above.

2. Directing that Defendants deliver up for destruction to Plaintiff all unauthorized products and advertisements in their possession or under their control bearing any of Plaintiff's Prada Trademarks or any simulation, reproduction, counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices and other means of production of same pursuant to 15 U.S.C. § 1118.

3. Directing such other relief as the Court may deem appropriate to prevent the trade and public from deriving any erroneous impression that any products manufactured, sold or otherwise circulated or promoted by Defendants are authorized by Plaintiff or related in any way to Plaintiff's products.

4. Requiring Defendants to pay to Plaintiff such damages as Plaintiff has sustained as a consequence of Defendants' infringement of the Prada Trademarks and Defendants' acts of unfair competition, and to account for all gains, profits and advantages derived by Defendants from the sale of their infringing merchandise bearing the Prada Trademarks and that the award to Plaintiff be trebled as provided for under 15 U.S.C. § 1117; alternatively, that Plaintiff be awarded statutory damages pursuant to 15 U.S.C. § 1117 (c) of up to \$1,000,000 for each trademark per type of goods sold that Defendants have counterfeited and infringed.

5. Ordering that Plaintiff recover the costs of this action together with reasonable attorneys' and investigators' fees and prejudgment interest in accordance with 15 U.S.C. § 1117.

6. That Plaintiff be awarded treble damages and attorney's fees for Defendants' willful and knowing violations of Gen. L. ch. 93A, §2.

7. Directing that this Court retain jurisdiction of this action for the purpose of enabling Plaintiff to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance therewith and for the punishment of any violations thereof.

8. Awarding to Plaintiff such other and further relief as the Court may deem just and proper, together with the costs and disbursements which Plaintiff has incurred in connection with this action.

PRADA S.A.

By its Attorneys,

BURNS & LEVINSON LLP

A handwritten signature in black ink, appearing to read 'Mark Schonfeld', is written over a horizontal line.

Mark Schonfeld (BBO No. 446980)
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
(617) 345-3000

Dated: February 1, 2005



Nº 1400409

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

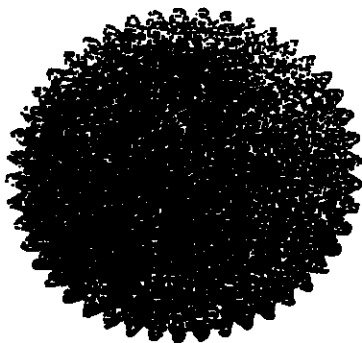
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this eighth day of July 1986.

A handwritten signature in ink, appearing to read "Donald J. Higgins".

Commissioner of Patents and Trademarks

Int. Cl.: 18

Prior U.S. Cls.: 1, 3 and 41

United States Patent and Trademark Office

Reg. No. 1,264,243

Registered Jan. 17, 1984

TRADEMARK
Principal Register

PRADA

F.lli Prada di Fernanda e Luigia Prada (partnership)
Galleria Vittorio Emanuele, N. 63
Milano, Italy

**For: LEATHER GOODS—NAMELY, LEATH-
ER AND LEATHER LIKE ARTICLES—NAME-
LY, WALLETTS, PURSES, TRAVELLING BAGS,
AND HAND BAGS; HIDES; TRUNKS AND
SUIT-CASES; RAIN UMBRELLAS; PARASOLS
AND WALKING STICKS; WHIPS, HARNESS
AND SADDLERY ARTICLES, in CLASS 18 (U.S.
Cls. 1, 3 and 41).**

**Owner of Italy Reg. No. 310,850, dated Jul. 8,
1978, expires Jul. 27, 1997.**

Sec. 2(f).

Ser. No. 223,768, filed Jul. 17, 1979.

DAVID E. BUCHER, Examining Attorney



Nº 1264243

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

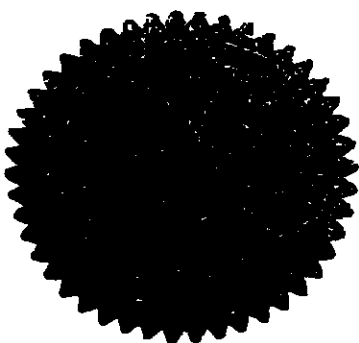
PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.

In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this seventeenth day of January, 1984.

COMMISSIONER OF PATENTS AND TRADEMARKS



Int. Cls.: 18 and 25

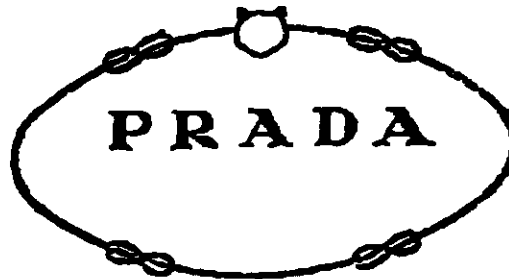
Prior U.S. Cls.: 1, 3, 39 and 41

United States Patent and Trademark Office

Reg. No. 1,869,578

Registered Dec. 27, 1994

**TRADEMARK
PRINCIPAL REGISTER**



**PRADA S.P.A. (ITALY CORPORATION)
93 CORSO DI PORTA ROMANA
20122 MILAN, ITALY**

**FOR: HANDBAGS, SUITCASES, WALLETS,
BRIEFCASES, SCHOOL BAGS, HANDBAGS
FOR MEN, TRUNKS FOR TRAVEL, LEATHER
AND IMITATION LEATHER SOLD IN BULK,
HIDE AND IMITATION HIDE SOLD IN BULK,
PARASOLS, PATIO UMBRELLAS, UMBREL-
LAS, WALKING STICKS, HARNESSSES AND
OTHER SADDLERY ARTICLES, IN CLASS 18
(U.S. CLS. 1, 3 AND 41).**

**FOR: CLOTHING ARTICLES FOR MEN,
WOMEN AND CHILDREN; NAMELY, SHIRTS,
BLOUSES, SKIRTS, COATS, TROUSERS,
PANTS, VESTS, JERSEYS, PAJAMAS, SOCKS
AND STOCKINGS, SINGLETS, CORSETS,
GARTERS, UNDERPANTS, PETTICOATS,**

**HATS, HEADSCARVES, NECKTIES, RAIN-
COATS, OVERCOATS, GREATCOATS, BATH-
ING SUITS, SPORTS OVERALLS, WIND-RE-
SISTANT JACKETS, SKI PANTS, BELTS, FUR
COATS, SCARVES, GLOVES, DRESSING
GOWNS, FOOTWEAR; NAMELY, SHOES,
SPORTS SHOES, SLIPPERS AND BOOTS, IN
CLASS 25 (U.S. CL. 39).**

**PRIORITY CLAIMED UNDER SEC. 44(D) ON
ITALY APPLICATION NO. MI92CU07618, FILED
11-6-1992, REG. NO. 00607003, DATED
10-28-1993, EXPIRES 11-6-2002.**

**OWNER OF U.S. REG. NOS. 1,264,243 AND
1,400,409.**

SER. NO. 74-338,266, FILED 12-8-1992.

JULIE CLINTON, EXAMINING ATTORNEY

The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

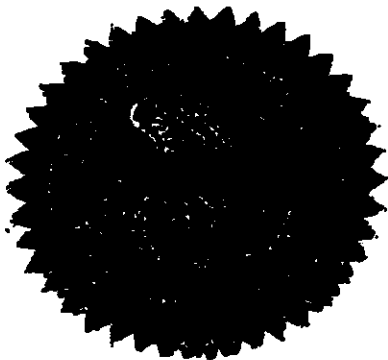
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twenty-seventh day of December 1994.

Bence Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,400,409

Registered July 8, 1986

**TRADEMARK
PRINCIPAL REGISTER**

PRADA

**PRADA S.R.L. (ITALY CORPORATION)
CORSO DI PORTA ROMANA
MILANO, ITALY**

**FOR: WOMEN'S CLOTHING ARTICLES,
NAMELY JACKETS, PANTS, JEANS, SHORTS,
SHIRTS, BLOUSES, SKIRTS, HOSIERY, BATH-
ING SUITS, WIND RESISTANT JACKETS,
OVERCOATS, RAINCOATS, SCARVES, SKI
PANTS, NECKTIES, CAPES, UNDERSHIRTS;
FOOTWEAR, NAMELY SHOES, BOOTS, SAN-
DALS AND SLIPPERS; WOMEN'S KNITWEAR,**

**NAMELY SWEATERS, PULLOVERS, CARDI-
GANS, IN CLASS 25 (U.S. CL. 39).**

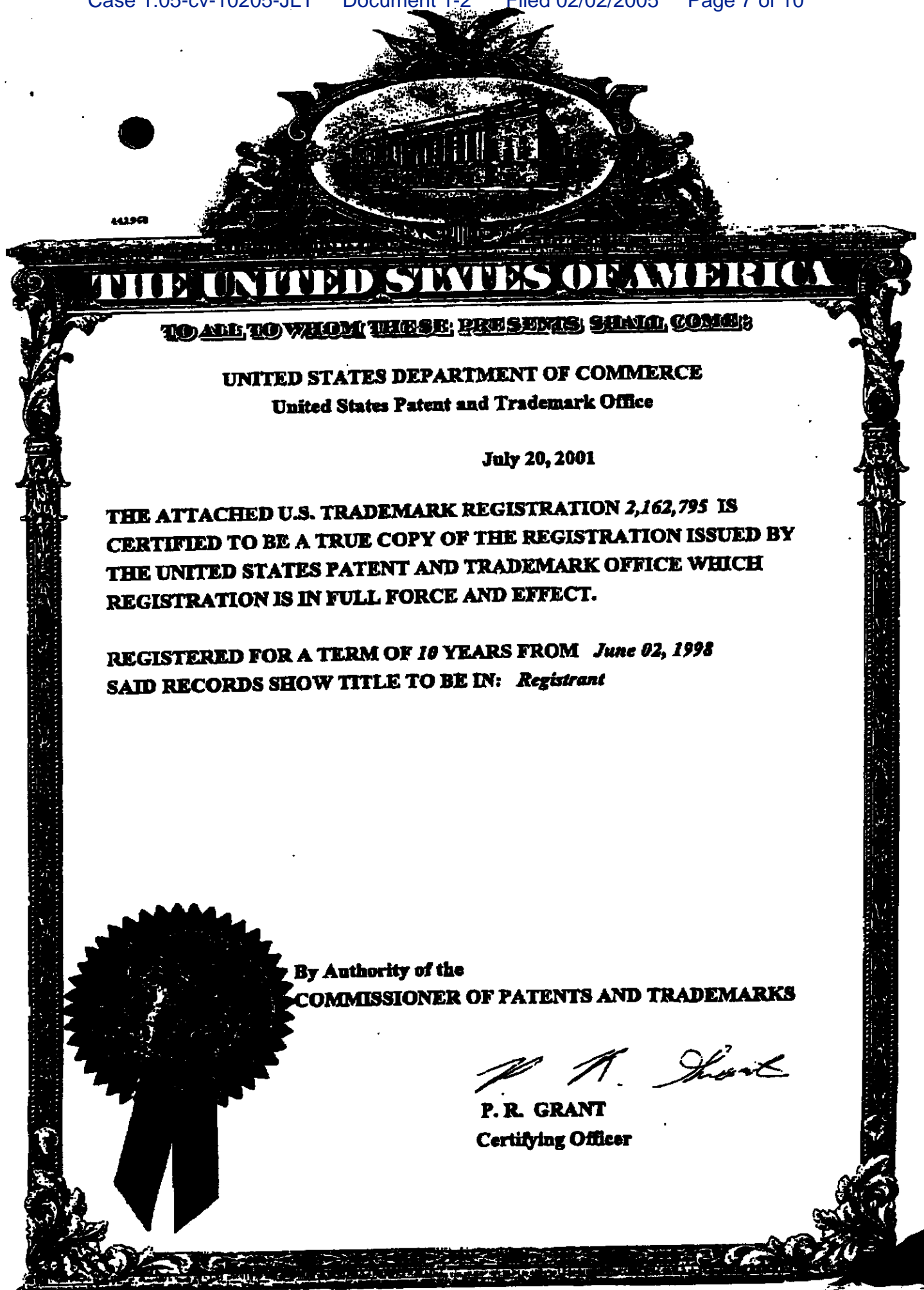
**FIRST USE 12-1-1980, IN COMMERCE
3-31-1983.**

**OWNER OF ITALY REG. NO. 310850, DATED
7-8-1978, EXPIRES 7-27-1997.**

**OWNER OF U.S. REG. NO. 1,264,241.
SEC. 2(F).**

SER. NO. 533,897, FILED 4-24-1985.

**STEWART J. BELLUS, EXAMINING ATTOR-
NEY**



THE ATTACHED U.S. TRADEMARK REGISTRATION 2,162,795 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 02, 1998*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

P. R. Grant
P. R. GRANT
Certifying Officer

18 and 25

U.S. Cls.: 1, 2, 3, 22, 39, and 41

Reg. No. 2,162,795

Registered June 2, 1998

United States Patent and Trademark Office

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PRADA

PRFEL S.A. (LUXEMBOURG CORPORATION)
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2311 LUXEMBOURG, LUXEMBOURG

FOR: HANDBAGS, WALLETS, LUGGAGE,
ATTACHE CASES, TOTE BAGS, BRIEFCASES,
ALL PURPOSE SPORT BAGS, TRAVELLING
TRUNKS AND CARRY-ON BAGS, SHOULDER
BAGS, GARMENT BAGS FOR TRAVELING,
KEYCASES, UMBRELLAS, PARASOLS AND
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SADDLERY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).

FIRST USE 9-0-1913; IN COMMERCE
9-0-1913.

FOR: CLOTHING FOR MEN, WOMEN AND
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SWEATERS, UNDERWEAR, SOCKS AND
STOCKINGS, GLOVES, TIES, SCARFS, HATS
AND CAPS, BELTS, BOOTS, SHOES AND SLIP-
PERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-0-1913; IN COMMERCE
9-0-1913.

OWNER OF U.S. REG. NOS. 1,869,578,
1,871,834, AND OTHERS.
SEC. 2(F).

SN 75-185,423, FILED 10-22-1996.

NICHOLAS ALTREB, EXAMINING ATTOR-
NEY

Int. Cls.: 18 and 25

Prior U.S. Cls.: 2, 3, 39 and 41

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Reg. No. 1,873,854

Registered Jan. 17, 1993

**TRADEMARK
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**PRADA S.P.A. (ITALY CORPORATION)
CORSO DI PORTA ROMANA 93
20122 MILANO, ITALY**

FOR: BRIEF CASES; TOTE BAGS; SHOULDER BAGS; SATCHELS; HANDBAGS; TRUNKS; SUITCASES; TRAVELING BAGS; PURSES; BRIEF CASE-TYPE FORTFOLIOS; HAND BAGS FOR MEN; BEACH UMBRELLAS; UMBRELLAS; WALKING STICKS; HARNESS-ES; SADDLES; WHIPS; ATTACHE CASES; WALLETS, IN CLASS 18 (U.S. CLS. 2, 3 AND 41).

FOR: CLOTHING FOR MEN, WOMEN AND CHILDREN; NAMELY, SUITS, TROUSERS, WOMEN'S SUITS, SKIRTS, MEN'S FORMAL DRESS SHIRTS, TUXEDOS, DINNER JACKETS, FORMAL DRESS SUITS, VESTS, TIES,

CUMMERBUNDS; SWEATERS, CARDIGANS; SHIRTS; COLLARS; BLOUSES; SPORTS SHIRTS; POLO SHIRTS; UNDERSHIRTS; SLACKS; CAMISOLES; SLIPS; NIGHT GOWNS; PAJAMAS; SCARVES; BELTS, SUN VISORS. GLOVES, HATS AND SUSPENDERS, IN CLASS 25 (U.S. CL. 39).

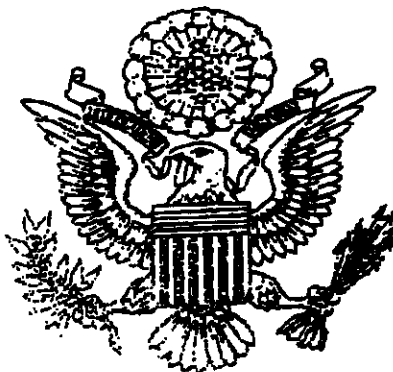
PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. 22967C/89, FILED 7-21-1989, REG. NO. 538448, DATED 1-10-1991, EXPIRES 7-21-2009.

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SER. NO. 73-822,699, FILED 8-31-1989.

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CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

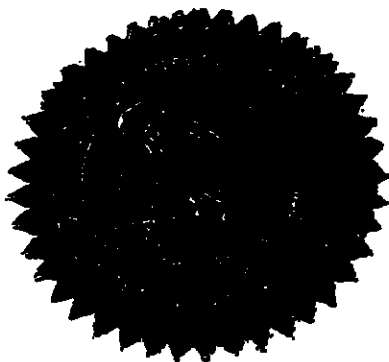
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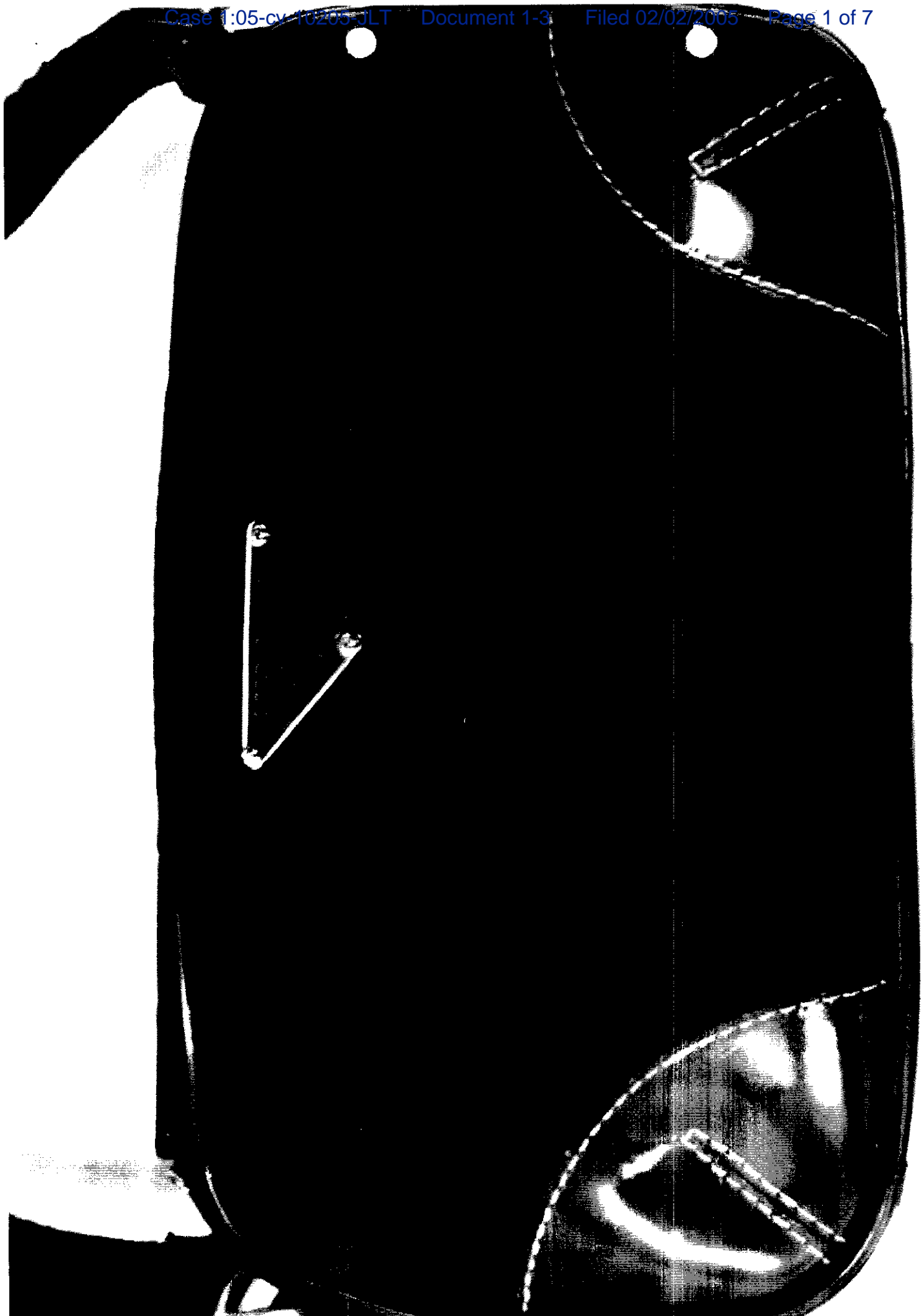
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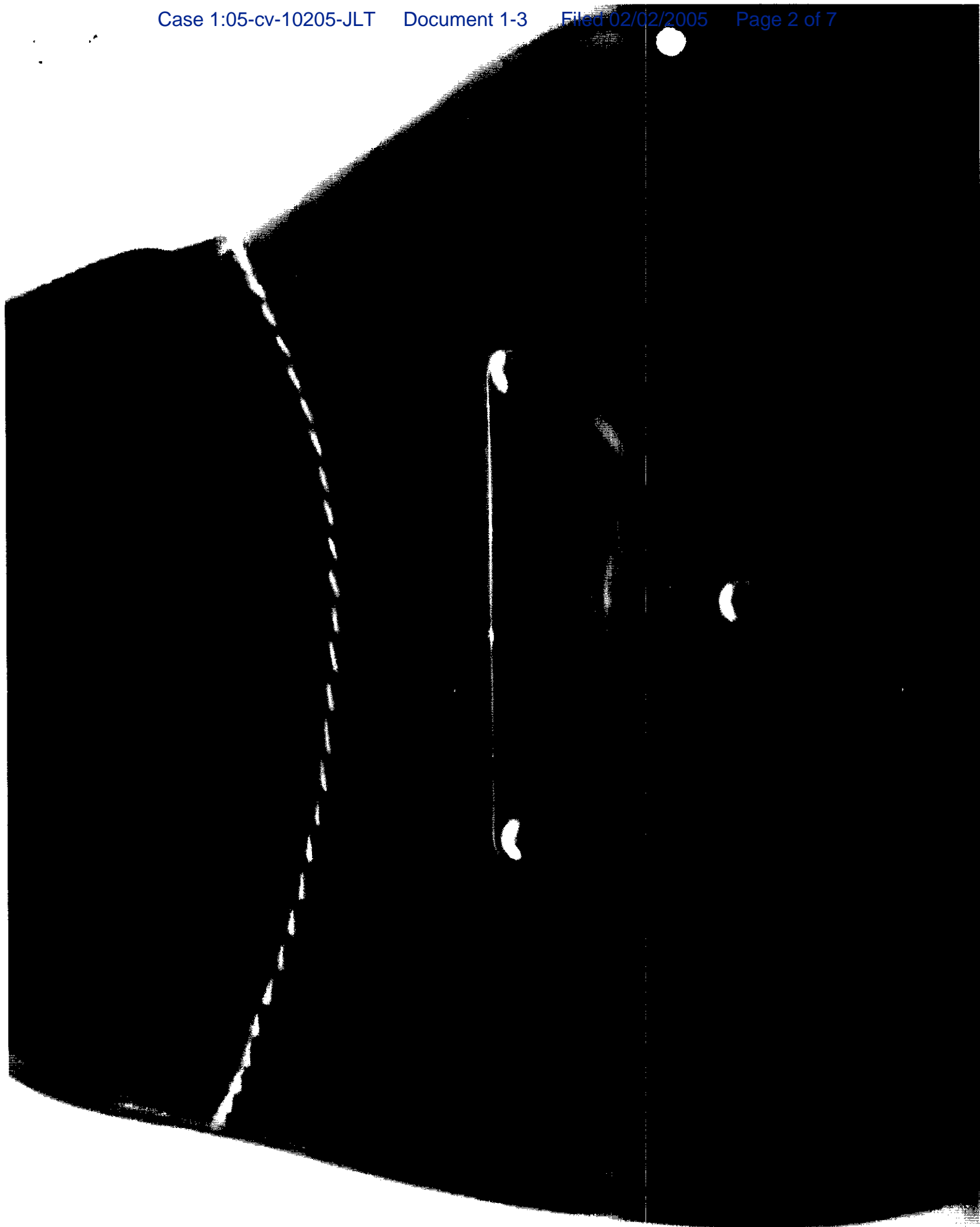
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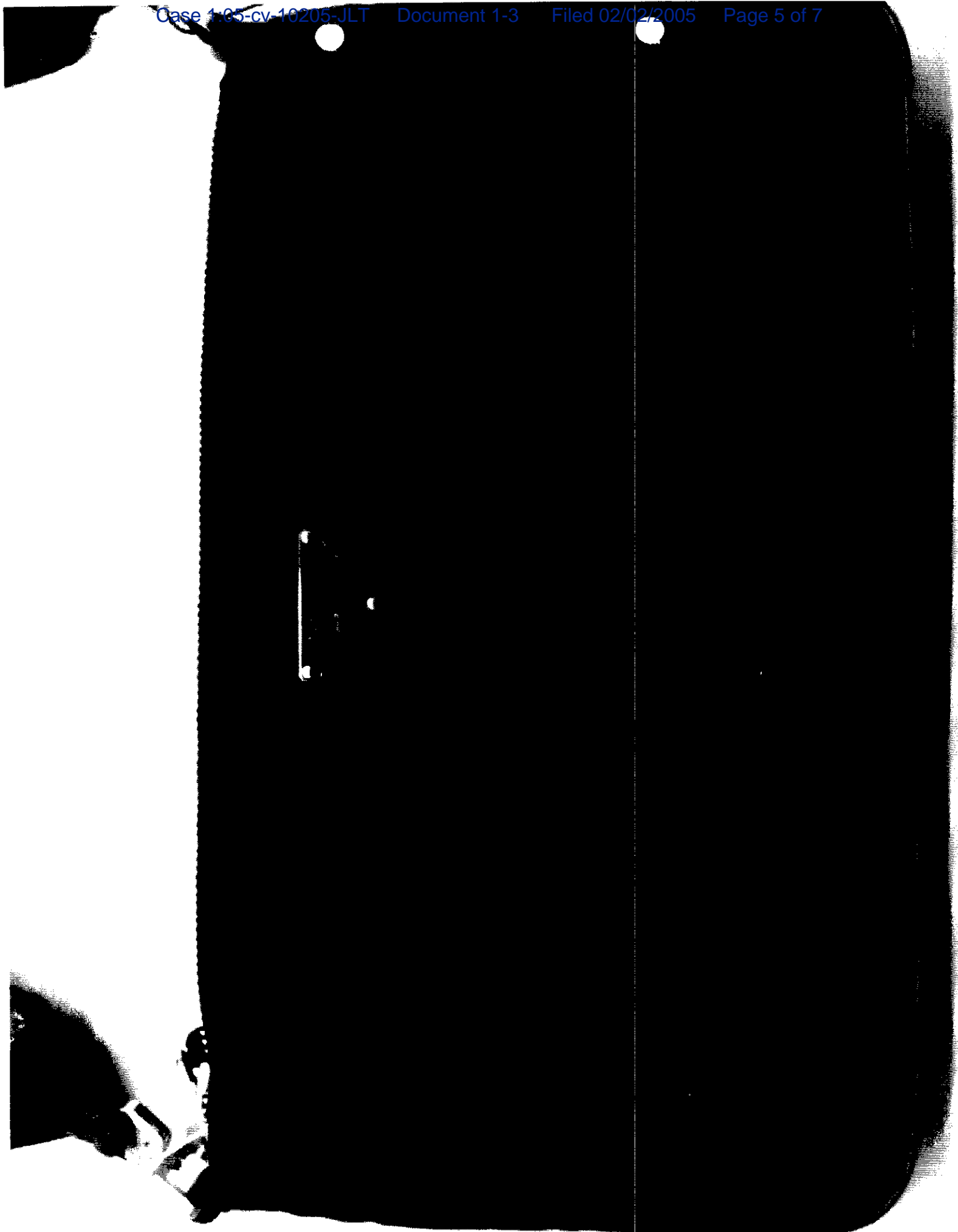
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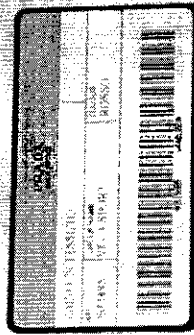




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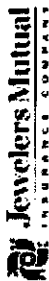
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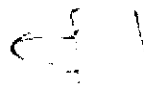
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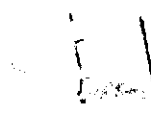
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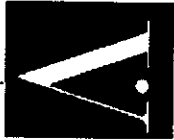
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Our Price: \$295.00
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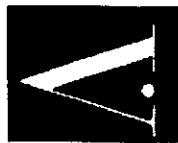
[Prada Black Nylon Handbag](#)

Our Price: \$295.00
You save 39%



[Prada Khaki Leather Metal Handle](#)

Handbag
Our Price: \$899.00
You save 40%



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Refine Your Results:

Brand

MTU-MTU

Prada

Prada_Sport Handbags

Category

Backpacks

Belts & Scarves

Business & Travel

Handbags

Wallets & Accessories

Gender

Men's

Unisex

Women's

Price

\$50 - \$100

\$100 - \$200

\$200 - \$500

Over \$500

Gift Boutique

Gifts For Her

Gifts under \$100

Gifts under \$250

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[Prada Black Leather Checkbook](#)

Wallet

Our Price: \$150.00

You save 57%



[Prada Purple & Black Leather & Nylon Handbag](#)

Nylon Handbag

Our Price: \$350.00

You save 26%



[Prada Blk/Red Nylon & Leather Messenger Bag](#)

Messenger Bag

Our Price: \$395.00

You save 37%



[Prada Beige Nylon Cosmetic Bag](#)

Our Price: \$90.00

You save 31%



[Prada Black Leather & Nylon Handbag](#)

Our Price: \$650.00

You save 4%



[Prada Olive Zip Wallet](#)

Our Price: \$99.00

You save 67%



[Prada Brown Leather & Nylon Handbag](#)

Our Price: \$595.00

You save 15%



[Prada Brown Nylon & Leather Tote](#)

Our Price: \$440.00

You save 56%

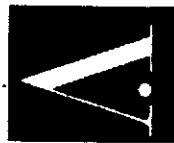


[Prada Light Brown Nylon & Leather Handbag](#)

Our Price: \$695.00

You save 7%





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157 ITEM(S) [4](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#)

Refine Your Results:

Brand

[MIU-MIU](#)

[Prada](#)

[Prada Sport Handbags](#)

Category

[Backpacks](#)

[Belts & Scarves](#)

[Business & Travel](#)

[Handbags](#)

[Wallets & Accessories](#)

Gender

[Men's](#)

[Unisex](#)

[Women's](#)

Price

[\\$50 - \\$100](#)

[\\$100 - \\$200](#)

[\\$200 - \\$500](#)

[Over \\$500](#)

[Gift Boutique](#)

[Gifts For Her](#)

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Prada Belge Nylon w/ White Leather Trim Tote

Our Price: \$350.00
You save 33%



Prada Black Leather Wallet

Our Price: \$129.00
You save 63%



MIU-MIU Brown Suede Bag with Fringe

Our Price: \$350.00
You save 38%



Prada Pewter Snap Wallet

Our Price: \$105.00
You save 70%



Prada Brown Nylon Messenger Bag

Our Price: \$325.00
You save 36%



Miu Miu Khaki Suede Handbag

Our Price: \$225.00
You save 36%



Prada Asymmetrical Black Messenger Bag

Our Price: \$295.00
You save 18%



Prada Light Blue Nylon Handbag

Our Price: \$119.00
You save 39%



Prada Black Nylon Wallet

Our Price: \$150.00
You save 33%



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Refine Your Results:

Brand

MIU-MIU
Prada
Prada Sport Handbags

Category

Backpacks
Belts & Scarves
Business & Travel
Handbags
Wallets & Accessories

Gender

Men's
Unisex
Women's

Price

\$50 - \$100
\$100 - \$200
\$200 - \$500
Over \$500

Gift Boutique

Gifts For Her
Gifts under \$100
Gifts under \$250

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Prada Light Blue Nylon Handbag
Our Price: \$119.00
You save 39%



Prada White Nylon Handbag
Our Price: \$119.00
You save 39%



Prada Light Blue Handbag
Our Price: \$450.00
You save 50%



Prada Brown Leather & Nylon Tote
Our Price: \$495.00
You save 16%



MIU-MIU Lilac Suede Belt
Our Price: \$149.00
You save 45%



Prada Beige Nylon Hobo Bag
Our Price: \$119.00
You save 63%



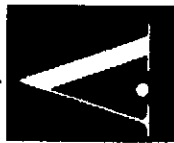
Miu Miu Black Croco Shoulder Bag
Our Price: \$396.00
You save 37%



Prada Brown Leather & Nylon Handbag
Our Price: \$695.00
You save 12%



MIU-MIU Brown Suede Bag with Fringe
Our Price: \$350.00
You save 38%



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171 ITEM(S) 1 9 10 11 12 [13] 14 15 16 17 18 ▶

Refine Your Results:

Brand

[MIU-MIU](#)

[Prada](#)

[Prada Sport Handbags](#)

Category

[Backpacks](#)

[Belts & Scarves](#)

[Business & Travel](#)

[Handbags](#)

[Wallets & Accessories](#)

Gender

[Men's](#)

[Unisex](#)

[Women's](#)

Price

[\\$50 - \\$100](#)

[\\$100 - \\$200](#)

[\\$200 - \\$500](#)

[Over \\$500](#)

[Gift Boutique](#)

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[Miu-Miu Black Suede Leather Handbag](#)

Our Price: \$325.00

You save 35%



[Prada Black Nylon Wallet](#)

Our Price: \$150.00

You save 33%



[Prada Pink Nylon & Tan Leather Trim Handbag](#)

Our Price: \$395.00

You save 29%



[Prada Pink Handbag](#)

Our Price: \$450.00

You save 50%



[Prada Black Leather Wallet](#)

Our Price: \$129.00

You save 63%



[Prada Black Nylon & Leather Flap Handbag](#)

Our Price: \$295.00

You save 40%



[Prada Black Cosmetic Bag](#)

Our Price: \$99.00

You save 28%



[Prada Black Leather Shopper Tote](#)

Our Price: \$544.00

You save 36%



[Prada White Large Nylon Camera Bag](#)

Our Price: \$395.00

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Refine Your Results:

Brand

MIU-MIU

Prada

Prada Sport Handbags

Category

Backpacks

Belts & Scarves

Business & Travel

Handbags

Wallets & Accessories

Gender

Men's

Unisex

Women's

Price

\$50 - \$100

\$100 - \$200

\$200 - \$500

Over \$500

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Gifts For Her

Gifts under \$100

Gifts under \$250

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Prada White Hobo Handbag

Our Price: \$149.00

You save 67%



Prada Black Leather Ladies Wallet

Our Price: \$125.00

You save 43%



Prada Black Leather Ladies Wallet

Our Price: \$135.00

You save 61%



Prada Dusty Rose Nylon & Leather Handbag

Our Price: \$350.00

You save 30%



Miu Miu Black Croco Handbag

Our Price: \$280.00

You save 38%



Miu Miu Camel Suede Handbag

Our Price: \$225.00

You save 36%



Prada Brown Nylon w/ Tan Leather Trim Shopper

Our Price: \$595.00

You save 28%



Prada Light Blue Handbag

Our Price: \$450.00

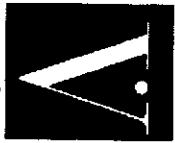
You save 50%



Prada Light Blue Nylon Handbag

Our Price: \$119.00

You save 52%



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Refine Your Results:

Brand

[MIU-MIU](#)

[Prada](#)

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Category

[Backpacks](#)

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[Handbags](#)

[Wallets & Accessories](#)

Gender

[Men's](#)

[Unisex](#)

[Women's](#)

Price

[\\$50 - \\$100](#)

[\\$100 - \\$200](#)

[\\$200 - \\$500](#)

[Over \\$500](#)

Gift Boutique

[Gifts For Her](#)

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[Ashford Outlet](#)

[Ashford Outlet](#)



[Prada Mens Black Leather Wallet](#)
Our Price: \$150.00
You save 36%



[Prada Black Leather and Nylon Wallet](#)
Our Price: \$150.00
You save 46%



[Prada White Handbag](#)
Our Price: \$450.00
You save 50%



[Prada Beige Nylon w/ Blue Leather Trim Tote](#)
Our Price: \$350.00
You save 33%



[Prada Black Cosmetic Bag](#)
Our Price: \$99.00
You save 37%



[Prada Pink Handbag](#)
Our Price: \$450.00
You save 50%



[Prada Black Leather Wallet](#)
Our Price: \$145.00
You save 49%



[Prada White Nylon Handbag](#)
Our Price: \$119.00
You save 39%



[Prada White Handbag](#)
Our Price: \$450.00
You save 50%



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171 ITEM(S) 10 11 12 13 14 15 16 17 18 19

Refine Your Results:

Brand

MIU-MIU

Prada

Prada Sport Handbags

Category

Backpacks

Belts & Scarves

Business & Travel

Handbags

Wallets & Accessories

Gender

Men's

Unisex

Women's

Price

\$50 - \$100

\$100 - \$200

\$200 - \$500

Over \$500

Gift Boutique

Gifts For Her

Gifts under \$100

Gifts under \$250

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Engagement Ring Showcase

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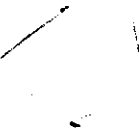
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Prada Beige Handbag
Our Price: \$295.00
You save 48%



Prada Black Leather Handbag
Our Price: \$450.00
You save 50%



Prada White Nylon Handbag
Our Price: \$119.00
You save 52%



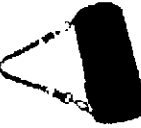
Prada Black Handbag
Our Price: \$295.00
You save 48%



Prada Cosmetic Bag
Our Price: \$99.00
You save 16%



Miu Miu Houndstooth Blk & White Handbag
Our Price: \$236.00
You save 39%



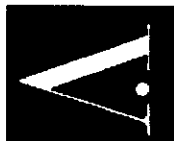
Prada Black Quilted Handbag
Our Price: \$199.00
You save 41%



Prada Light Blue Nylon Handbag
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You save 39%



Prada Black Cosmetic Bag
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Refine Your Results:

Brand MIU-MIU

Prada

Prada Sport Handbags

Category

Backpacks

Belts & Scarves

Business & Travel

Handbags

Wallets & Accessories

Gender

Men's

Unisex

Women's

Price

\$50 - \$100

\$100 - \$200

\$200 - \$500

Over \$500

Gift Boutique

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Gifts under \$100

Gifts under \$250

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Prada Mens Black Leather Wallet
Our Price: \$150.00
You save 46%



Prada Black Leather Wallet
Our Price: \$150.00
You save 45%



Prada White Quilted Handbag
Our Price: \$199.00
You save 41%



Prada Brown Nylon & Tan Leather Trim Handbag
Our Price: \$395.00
You save 25%



Prada Pink Satin Handbag
Our Price: \$250.00
You save 15%



Prada Black Nylon Cosmetic Bag
Our Price: \$90.00
You save 31%



Prada Large Cosmetic Bag
Our Price: \$99.00
You save 23%



Prada Brown Nylon Messenger Bag
Our Price: \$325.00
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Prada Mens Black Leather Wallet
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You save 36%



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171 ITEM(S) 4 10 11 12 13 14 15 16 17 [18] 19 ▶

Refine Your Results:

Brand

[MIU-MIU](#)[Prada](#)[Prada Sport Handbags](#)

Category

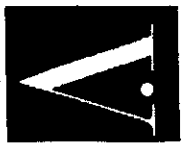
[Backpacks](#)[Belts & Scarves](#)[Business & Travel](#)[Handbags](#)[Wallets & Accessories](#)

Gender

[Men's](#)[Unisex](#)[Women's](#)

Price

[\\$50 - \\$100](#)[\\$100 - \\$200](#)[\\$200 - \\$500](#)[Over \\$500](#)[Gift Boutique](#)[Gifts For Her](#)[Gifts under \\$100](#)[Gifts under \\$250](#)[Shop What's Hot](#)[Engagement Ring Showcase](#)[Wedding Gifts](#)[Ashford Best Sellers](#)[Back to School](#)[What's New](#)[Ashford Outlet](#)[Ashford Outlet](#)Prada Black Handbag
Our Price: \$450.00
You save 50%Prada Daino Black Box Handbag
Our Price: \$395.00
You save 58%Prada Black Nylon Wallet
Our Price: \$195.00
You save 40%Prada Pewter Snap Wallet
Our Price: \$105.00
You save 70%Prada White Nylon w/ Tan Leather
Trim Handbag
Our Price: \$350.00
You save 40%Prada Beige Nylon w/ White Leather
Trim Tote
Our Price: \$350.00
You save 33%Prada Black Nylon & Leather
Handbag
Our Price: \$550.00
You save 31%Prada Black 34" Two-Section Belt
Our Price: \$180.00
You save 44%Prada Black Wide 32" Braid Belt
Our Price: \$140.00
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171 ITEM(S) 4 10 11 12 13 14 15 16 17 18 [19]

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- Brand
 - MIU-MIU
 - Prada
 - Prada Sport Handbags
- Category
 - Backpacks
 - Belts & Scarves
 - Business & Travel
 - Handbags
 - Wallets & Accessories
- Gender
 - Men's
 - Unisex
 - Women's
- Price
 - \$50 - \$100
 - \$100 - \$200
 - \$200 - \$500
 - Over \$500
- Gift Boutique
 - Gifts For Her
 - Gifts under \$100
 - Gifts under \$250
- Shop What's Hot
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Prada Large Black Double Braided Belt Our Price: \$140.00 You save 44%	Prada Light Blue 34" Wide Leather Belt Our Price: \$175.00 You save 30%	Prada Brown Wide 36" Braided Belt Our Price: \$140.00 You save 44%
		
Prada Light Blue 32" Wide Leather Belt Our Price: \$140.00 You save 44%	Prada Light Blue 30" Wide Leather Belt Our Price: \$140.00 You save 44%	Prada Tan 38" Circle Buckle Belt Our Price: \$140.00 You save 44%
		
Prada Large Brown Double Braided Belt Our Price: \$250.00	Prada Medium Brown Double Braided Belt Our Price: \$250.00	Prada Black 32" Two-Section Belt Our Price: \$180.00 You save 44%

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERKS OFFICE

1. Title of case (name of first party on each side only) **Prada S.A. v. BirdSong, LLC and Nathan Rosenberg**
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
1. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Mark Schonfeld, Esq.
ADDRESS Burns & Levinson, LLP 125 Summer Street, Boston, MA 02110
TELEPHONE NO. (617) 345-3000

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JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

PRADA S.A.

Italy

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mark Schonfeld
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110 (617) 345-3000

FILED
IN CLERKS OFFICE
DEFENDANTS

2005 FEB 21 PM 2:07
and NATHAN ROSENBERG

Nassau

County of Residence of First Listed
U.S. DISTRICT COURT (IN PLAINTIFF CASES ONLY)
DISTRICT OF MASS.
(IN LAND CONVICTION CASES, USE THE LOCATION OF THE
LAND INVOLVED.)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
Citizen of This State PTF ☐ 1 DEF ☐ 1 Incorporated or Principal Place of Business In This State PTF ☐ 4 DEF ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal of Business In Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Defendants have engaged in the sale of counterfeit Prada products in violation of 15 U.S.C. Section 1114 and have infringed Prada trademarks.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

February 1, 2005

SIGNATURE OF ATTORNEY OF RECORD

Mark Schonfeld

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____